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Application Serial No. 09/873,222

Art Unit 2624

REMARKS

This is a full and timely response to the outstanding final Office Action mailed June 15, 2005. Through this response, claims 1 and 7 have been amended and claims 1-3, 7-9, and 11 have been canceled without prejudice, waiver, or disclaimer. Reconsideration and allowance of the application and pending claims are respectfully requested.

Cancellation of Claims 1-3, 7-9, and 11

Claims 1-3, 7-9, and 11 are canceled without prejudice, waiver, or disclaimer. Applicants take this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of the canceled claims in a continuing application, if Applicants so choose, and do not intend to dedicate any of the canceled subject matter to the public.

Claim Rejections Under 35 U.S.C. § 102(e)

Claims 1 and 7 have been rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,324,521 to *Shiota et al.* ("*Shiota*"). Applicants respectfully traverse this rejection. Claims 1 and 7 have been canceled herein, thus rendering rejection of those claims moot.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 2-5, 8, 9, and 11-15 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over the combinations of *Shiota* and U.S. Patent No. 5,384,862 to *Echerer et al.* ("*Echerer*"). Applicants respectfully traverse this rejection. The *Shiota* and *Echerer* references,

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even when combined, do not teach or suggest all of the features of at least the independent claims. Claims 2-3, 8-9, and 11 have been canceled herein, thus rendering rejection of those claims moot.

Claims 4-5 and 12-15

Claims 4 and 12 both recite “an enhancement description packet that describes the enhancements made for each of the digital images.” This feature is not taught or suggested by the combination of *Shiota* and *Echerer*. As the Office admits, “*Shiota* does not expressly disclose means for transmitting an enhanced digital image packet to the customer including the enhancements made to the image.” *Office Action* at 10. Indeed, *Shiota* does not even mention the words “enhance” or “enhancement” anywhere in its disclosure. The Office therefore relies on col. 6, lines 31-37 of *Echerer* as allegedly providing this feature of claims 4 and 12. *See Office Action* at 3. Specifically, the passage relied on by the Office states that “[t]he enhancements and information are stored in a second memory location, separate from the bitmap.” *Echerer* at col. 6, lines 31-33. However, the “information” referred to by *Echerer* is described in the following:

[i]dentifying information is affixed to the received image. The affixed information includes: the patient’s name and number, the name of the doctor assigned to the case, the doctor’s identification number, the date of the X-ray, and perhaps the X-ray description.

Echerer at col. 6, lines 19-24. This information is not the “enhancement description packet that describes the enhancements made for each of the digital images” of claims 4 and 12 (emphasis added).

Therefore, in the present case, not every feature of the claims 4 and 12 is represented in the combination of the *Shiota* and *Echerer* references. Due to the shortcomings of the *Echerer* reference described in the foregoing, Applicants respectfully assert that the *Shiota* / *Echerer*

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combination does not anticipate or render obvious Applicants' claims 4 and 12, and respectfully request that the rejection be withdrawn. Because independent claims 4 and 12 are allowable over *Shiota* in view of *Echerer*, dependent claims 5 and 13-15 are allowable as a matter of law for at least the reason that the dependent claims 5 and 13-15 contain all elements of their base claims.

Therefore, it is respectfully submitted that each of these claims is patentable over *Shiota* in view of *Echerer* and that the rejection of these claims should be withdrawn.

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Art Unit 2624**CONCLUSION**

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Further, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephone conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,


Cynthia J. Lee, Reg. No. 46,033

THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500